

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

CAMMIE A COTTRELL,

Plaintiff,

v.

Case No. 3:19-cv-1119-J-20JRK

EMMET F. FERGUSON, III, county judge,
and LAURA LEE WADE,

Defendants.

REPORT AND RECOMMENDATION¹

This cause is before the Court on the Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Doc. No. 2) that the Court construes as a Motion to Proceed In Forma Pauperis ("Motion"). Upon review of the file, the undersigned recommends that the case be dismissed for failure to prosecute.

Plaintiff initiated this action on October 1, 2019 by filing a Complaint and Request for Injunction (Doc. No. 1). On October 3, 2019, the undersigned entered an Order (Doc. No. 3) taking the Motion under advisement. Observing that the case appears subject to dismissal for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted, Plaintiff was directed to file an Amended Complaint by November 4, 2019;

¹ "Within 14 days after being served with a copy of [a report and recommendation on a dispositive issue], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." Id. A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Local Rule 6.02.

alternatively, Plaintiff was directed to pay the filing fee by November 4, 2019. See Order at 1, 9.

Plaintiff failed to act by November 4, 2019. Consequently, the undersigned entered an Order to Show Cause (Doc. No. 5) on November 7, 2019, directing Plaintiff to show cause by December 9, 2019 as to why the undersigned should not recommend dismissal of the matter for failure to prosecute. See Order to Show Cause at 2. Plaintiff was also directed to comply with the October 3, 2019 Order by December 9, 2019. Id. Plaintiff was warned that failure to respond by December 9, 2019 may result in a recommendation of dismissal without further notice. Id.

To date, Plaintiff has not responded in any way to the Order to Show Cause, and he has not complied with the October 3, 2019 Order. Accordingly, it is

RECOMMENDED:

1. That this case be **DISMISSED without prejudice** for failure to prosecute pursuant to Rule 3.10(a), Local Rules, United States District Court, Middle District of Florida.

2. That the Clerk of Court be directed to terminate all pending motions and close the file.

RESPECTFULLY RECOMMENDED in Jacksonville, Florida on December 16, 2019.

bhc
Copies to:

Honorable Harvey E. Schlesinger
United States District Judge

Pro Se Party


JAMES R. KLINDT
United States Magistrate Judge